

## CHAPTER 9

### SECTION 1.1

# ELIGIBILITY REQUIREMENTS FOR TRICARE BENEFICIARIES

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#### I. ISSUE

Who is **eligible** as a TRICARE beneficiary?

#### II. POLICY

A. An individual is considered to be eligible for TRICARE if they are shown as eligible on the Defense Enrollment Eligibility Reporting System (DEERS). The DEERS record will indicate the dates of eligibility. With the following exceptions, no one who is not enrolled on DEERS is eligible for TRICARE.

1. Newborns. If the beneficiary's date of birth is within 365 days of the contractor's eligibility query to DEERS, the contractor shall consider the newborn to be eligible.

2. NATO and Partnership For Peace (PFP) Dependents. Under the terms of the NATO and the PFP Status of Forces Agreement, the United States has agreed to furnish medical and dental care to eligible dependents of active duty members of the Armed Forces of the foreign NATO and PFP Nations who are stationed in or passing through the United States if in connection with official duties. TRICARE Standard/CHAMPUS coverage for NATO and PFP dependents is limited to outpatient services only. "Passing through" does not include vacation travel within or through the United States for a NATO or PFP member or his dependents when the travel is unofficial, nor does it apply to a delay enroute when the NATO or PFP member is passing through the United States from one overseas point to another. The NATO or PFP member and his eligible dependents must be invitees of a specific United States Government or agency, and must be in the United States on official business. A NATO or PFP dependent who lives in the NATO or PFP member's home country and who comes to the United States to visit the NATO or PFP member is not eligible for TRICARE Standard/CHAMPUS. Dependents of NATO and PFP members have no eligibility outside the United States.

3. Victims of physical or emotional abuse. Effective November 14, 1986, through October 16, 1998, dependents (i.e., eligible spouses or children), of a person who receives a dishonorable or bad-conduct discharge or dismissal from a Uniformed Service as a result of a court-martial conviction for an offense involving physical or emotional abuse or was administratively discharged as a result of such an offense are entitled to benefits under both the CHAMPUS Basic Program or Program for Persons with Disabilities, for medical or

adjunctive dental care for problems associated with the physical or emotional abuse for a period of up to one year (12 months) following the person's separation from the Uniformed Service. Effective October 17, 1998, the limitation on the services available to these beneficiaries (i.e., the services must be related to the abuse) is removed, and these beneficiaries are entitled to all benefits available under the Program. In addition, the one year limitation on these services is replaced with the period that the abused dependent is in receipt of transitional compensation under section 1059 of title 10 U.S.C.

a. Eligibility for these dependents will be determined by the appropriate Administering Secretary utilizing the system established to manage Secretarial Designees. Under this system, eligibility is designated by letter from the appropriate Administering Secretary. For dependents of abuse an additional paragraph will be added to the usual Designee letter which describes the period of eligibility, and the type of care the dependent is entitled to receive. Contractors are to use this Designee letter to verify eligibility. At a minimum, the letter must contain the beneficiary and sponsor names, sponsor social security number, and dates of eligibility (and for services provided before October 17, 1998, the type of care authorized, such as treatment of mental problems associated with battering/neglect, treatment of broken bones, etc. A copy of this letter should be attached to each claim.

b. The Designee letter is to be used by contractors to verify that the claims are for services received during the period of designated eligibility that began on or after November 14, 1986. In addition, for services received before October 17, 1998, the letter is to be used to ensure that the claim is for services related to medical or adjunctive dental care for conditions associated with the physical or emotional abuse.

c. Claims for this class of dependents shall be considered "active duty" for cost-sharing purposes and Program for Persons with Disabilities eligibility.

d. Claims for services provided on or after October 17, 1998, are subject to the provisions of the [OPM Part One, Chapter 4](#).

B. DEERS also will identify the beneficiary status (e.g., retiree, active duty dependent, etc.).

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